

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARCELL JONES,

Plaintiff,

v.

B. BROWNEN, et al.,

Defendants.

No. 2:22-cv-01707 KJM DB P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 26, 2023, the magistrate judge filed findings and recommendations, which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has not filed objections to the findings and recommendations.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court

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1 . . .”). Having reviewed the file, the court finds the findings and recommendations to be
2 supported by the record and by the proper analysis.

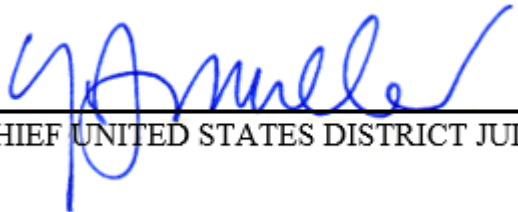
3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations filed May 26, 2023 (ECF No. 15), are adopted in
5 full.

6 2. Following plaintiff’s notice of election, this case proceeds only on plaintiff’s claim
7 against defendant Brownen under the First Amendment for retaliation and plaintiff’s claim
8 against defendant Rangel under the Fourteenth Amendment for a due process violation; all other
9 claims are dismissed with prejudice.

10 3. This case is referred back to the assigned magistrate judge for further pretrial
11 proceedings.

12 DATED: July 27, 2023.

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15 CHIEF UNITED STATES DISTRICT JUDGE
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